

UNITED STATES DISTRICT COURT**Northern District of California**

Cruz,

07-05688 SC

Plaintiff(s),

**NOTICE RE: NONCOMPLIANCE
WITH COURT ORDER**

v.

MRC Receivables Corp.,

Defendant(s).

The parties have failed to file an ADR Certification and either a Stipulation and [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone Conference as required by the Initial Case Management Scheduling Order. Counsel shall Meet and Confer forthwith in an attempt to agree on an ADR process for this matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file an **ADR Certification** and either 1) a **Stipulation and [Proposed] Order Selecting ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b), ADR L. R. 3-5(b) Civil L.R. 16-8(c), ADR L. R. 3-5(c), (d)). (These forms are available at www.adr.cand.uscourts.gov.)

Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax (415-522-4112), hand delivery (ADR Program, USDC, Northern District of California,

1 450 Golden Gate Avenue, 16th Floor, San Francisco, California), or by PDF attachment
2 to an e-mail directed to adr@cand.uscourts.gov.

3
4 It is the responsibility of counsel to schedule an ADR Phone Conference, if
5 required, to occur before the Case Management Conference.

6
7
8 Dated: May 28, 2008

9 RICHARD W. WIEKING

10 Clerk

11 by: Timothy J. Smagacz



12 ADR Administrative Assistant

13 415-522-4205

14 Tim_Smagacz@cand.uscourts.gov

PROOF OF SERVICE

Case Name: Cruz v. MRC Receivables Corp.

Case Number: 07-05688 SC

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

ADR Program
United States District Court
Northern District of California
450 Golden Gate Avenue Floor 16
San Francisco, CA 94102

On May 28, 2008, I served a true and correct copy of:

Notice Re: Noncompliance With Court Order

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

Irving L. Berg
The Berg Law Group
145 Town Center, PMB 493
Corte Madera, CA 94925
irvberg@comcast.net

Tomio Buck Narita
Simmonds & Narita LLP
44 Montgomery Street
Suite 3010
San Francisco, CA 94104-4816
tnarita@snllp.com

Jeffrey A. Topor
Simmonds & Narita LLP
44 Montgomery Street
Suite 3010
San Francisco, CA 94104
jtopor@snllp.com

[] by Facsimile, I caused said documents to be transmitted to the following parties by fax machine:

[] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on May 28, 2008 in San Francisco, California.

RICHARD W. WIEKING

Clerk

by: Timothy J. Smagacz

A handwritten signature in black ink, reading "Timothy Smagacz", written over a horizontal line.

ADR Administrative Assistant

415-522-4205

Tim_Smagacz@cand.uscourts.gov